

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08- 01789 (BRL)

SIPA LIQUIDATION

(Substantively Consolidated)

**DECLARATION OF AMY VANDERWAL IN SUPPORT OF (1) TRUSTEE'S  
OBJECTION TO MOTIONS TO RECONSIDER ORDER EXPUNGING CLAIMS AND  
OBJECTIONS OF CLAIMANTS THAT DID NOT INVEST WITH BLMIS OR  
ENTITIES THAT INVESTED IN BLMIS AND (2) TRUSTEE'S OBJECTION TO  
MOTION TO SUBPOENA BERNARD L. MADOFF**

I, Amy Vanderwal, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an associate with Baker & Hostetler LLP. I am a member of both the New York Bar and the Southern District of New York, and am in good standing.

2. Baker & Hostetler LLP is counsel to Irving H. Picard, the Trustee appointed by the United States District Court for the Southern District of New York for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC ("BLMIS"), under the Securities Investor Protection Act ("SIPA"), and for Bernard L. Madoff ("Madoff").

3. I am fully familiar with the facts set forth herein. I make this declaration to transmit to this Court true and correct copies of documents in connection with (1) the Trustee's Objection to Motions to Reconsider Order Expunging Claims and Objections of Claimants that

Did Not Invest With BLMIS or Entities that Invested in BLMIS and (2) the Trustee's Objection to Motion to Subpoena Bernard L. Madoff.

4. Attached hereto as Exhibit A are true and correct copies of the eight claims filed by the Surabians.

5. Attached hereto as Exhibit B is a true and correct copy of the Trustee's denials of the Surabians' claims on December 8, 2009.

6. Attached hereto as Exhibit C is a true and correct copy of the Surabians' letter to the Trustee dated August 23, 2010 seeking reconsideration of the disallowance of their claims.

7. Attached hereto as Exhibit D is a true and correct copy of the Trustee's August 30, 2010 letter in response to the Surabians' August 23, 2010 letter.

8. Attached hereto as Exhibit E is a true and correct copy of a transcript of the April 17, 2010 telephone conversation between Mr. Steven Surabian and Mr. Oleg Bittman regarding this Court's adjournment of the April 18, 2010 hearing on the Third Omnibus Motion.

9. Attached hereto as Exhibit F is a true and correct copy of the Order signed by Judge Rakoff of the United States District Court, Southern District of New York in *Picard v. Harvey E. Rothenberg Revocable Trust*, No. 12 Civ. 5717 (JSR) (S.D.N.Y. Jan. 14, 2013).

10. Attached hereto as Exhibit G is a true and correct copy of the Memorandum and Order signed by Judge Woodlock of the United States District Court, District of Massachusetts in *Surabian v. HSBC Bank, USA*, No. 11-10053-DPW (D. Mass. Mar. 26, 2012).

11. Attached hereto as Exhibit H is a true and correct copy of the First Circuit's decision in *Surabian v. Residential Funding Co., fka Residential Funding Corp.*, No. 11-1212 (1st Cir. Sept. 28, 2011), *cert. denied*, No. 11-9337 (May 22, 2012).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
February 27, 2013

By:

/s/ Amy Vanderwal  
Amy Vanderwal